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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/005,323	12/07/2001	Hyoung Yoon Kim	P-0304	4253
34610	7590	07/11/2006	EXAMINER	
FLESHNER & KIM, LLP			SAMS, MATTHEW C	
P.O. BOX 221200			ART UNIT	
CHANTILLY, VA 20153			PAPER NUMBER	
			2617	

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/005,323	Applicant(s) KIM, HYOUNG YOON	
	Examiner Matthew C. Sams	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Amendment

2. This office action has been changed in response to the amendment filed on 4/19/2006.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adkins (US 2005/0032543).

Regarding claim 1, Adkins teaches a system for utilizing a mobile communication terminal (Fig. 2 [28]) as a wireless handset comprising a personal computer (PC) (Fig. 2 [13]) adapted to access an Internet phone service (Page 2 [0036]) and a mobile communication terminal (Fig. 2 [28]) adapted to function as a wireless handset for the PC when the PC accesses the Internet phone service (Page 2 [0036]) where the mobile communication terminal (Fig. 2 [28]) comprises a built-in wireless communication

capability to enable wireless communication between a plurality of communication devices (Page 4 [0067]) and a mobile station modem to check whether the terminal has been set to a handset mode for communicating speech signals of a call between the terminal and personal computer through the built-in wireless communication capability. (Fig. 3 [60] and Page 4 [0070-0077], specifically [0073]) Although Adkins does not teach a wireless headset, it would be obvious to one of ordinary skill in the art to incorporate the functions of Adkins into a headset because Adkins handset is already mobile which makes the design small, light and portable.

Regarding claim 2, Adkins teaches the PC comprises wireless communication abilities (Page 4 [0067]) configured to receive speech signals (Page 4 [0077]) from the mobile communication terminal (Fig. 2 [28]) and to transmit the received speech signal to a sound card of the PC. (Fig. 3 [10, 13 & 70])

Regarding claim 3, Adkins teaches the mobile communication terminal (Fig. 2 [28]) comprises a speaker (Fig. 2 [27]), a microphone (Fig. 2 [29]), and a wireless communication device (Page 4 [0067]) configured to transmit a speech signal (Page 4 [0067 & 0077]) inputted from the microphone (Fig. 2 [29]) to the PC (Fig. 2 [13]) using a wireless communication protocol (Page 4 [0067]) and to output the speech signal received from the PC to the speaker. (Fig. 2 [27])

Regarding claim 4, Adkins teaches a system for utilizing a mobile communication terminal (Fig. 2 [28]) as a wireless handset comprising a mobile communication terminal with a built-in wireless communication (Page 4 [0067 & 0077]) capability configured to enable wireless communication between a plurality of communication devices (Page 3

[0048] & Page 4 [0067]) where the mobile communication terminal is configured to function as a wireless handset of the PC when the PC has access to the Internet phone service (Page 3 [0048]) and the mobile communication terminal comprises a speaker (Fig. 2 [27]), a microphone (Fig. 2 [29]), a mobile station modem to check whether the terminal has been set to a handset mode for communicating speech signals of a call between the terminal and personal computer through the built-in wireless communication capability (Fig. 3 [60] and Page 4 [0070-0077], specifically [0073]) and a wireless communication device (Page 4 [0067]) configured to transmit speech signals from the microphone (Fig. 2 [29]) to the PC (Fig. 2 [13]) using a wireless communication protocol (Page 4 [0067]) and to output the speech signal received from the PC to the speaker. (Fig. 2 [27]) Although Adkins does not teach a wireless headset, it would be obvious to one of ordinary skill in the art to incorporate the functions of Adkins into a headset because Adkins handset already mobile which makes the design small, light and portable.

Regarding claim 5, Adkins teaches a mobile communication terminal (Fig. 2 [28]) as a wireless handset comprising setting an operation mode of the mobile communication terminal (Page 4 [0070]), determining whether or not the set-operating mode is a headset mode (Page 4 [0070]), adjusting input/output ports of the mobile communication terminal (Fig. 2 [28]) if the set operating mode is a headset mode (Page 4 [0063]), and transmitting a speech signal from a microphone (Fig. 2 [29]) of the mobile communication terminal (Fig. 2 [28]) to a personal computer (Fig. 2 [13]) via a wireless communication device of the mobile communication terminal (Page 4 [0067] and Fig. 3),

wherein the determining is performed by a mobile station modem to check whether the terminal has been set to a handset mode for communicating speech signals of a call between the terminal and personal computer through the built-in wireless communication capability. (Fig. 3 [60] and Page 4 [0070-0077], specifically [0073])

Regarding claim 6, Adkins teaches accessing an Internet phone service (Page 2 [0036]) after the PC (Fig. 2 [13]) receives the speech signal from the mobile communication terminal (Fig. 2 [28]). (Page 4 [0068 & 0077])

Regarding claim 7, Adkins teaches performing a normal wireless telephone call service if the set operating mode is a general call mode. (Page 3 [0048] and Page 4 [0070])

Regarding claim 8, Adkins teaches a built in wireless communication capability of the mobile communication terminal (Fig. 2 [28]) is compatible with a built in wireless communication capability of the PC (Fig. 2 [13]). (Page 4 [0067])

Regarding claim 9, Adkins teaches a built in wireless communication capabilities of the mobile communication terminal (Page 4 [0067] and Fig. 3) and the PC (Fig. 2 [13]) are compatible with a predetermined wireless communication protocol. (Page 4 [0067])

Regarding claim 10, Adkins teaches the built in wireless communication capabilities of the mobile communication terminal (Fig. 2 [28]) and the PC (Fig. 2 [13]) and the predetermined wireless communication protocol (Page 4 [0067]) are configured to enable wireless communication amongst a plurality of predetermined components positioned within a given proximity of one another. (Page 4 [0067])

Regarding claim 11, Adkins teaches input/output ports of the mobile communication terminal (Fig. 2 [28]) are configured to be adjusted by the modem station modem when the terminal is set to the headset mode selected from a plurality of operating modes of the mobile communication terminal. (Page 4 [0063-0077])

Regarding claim 12, Adkins teaches a plurality of operating modes of the mobile communication terminal (Fig. 2 [28]) comprises the headset mode and a general call mode. (Page 3 [0048] & Page 4 [0070])

Regarding claim 13, Adkins teaches a PC (Fig. 2 [13]) is configured to access the Internet phone service through an Internet network. (Page 2 [0036] & Page 4 [0067])

Regarding claim 14, the limitations of claim 14 are rejected as the same reason set forth above in claim 10.

Regarding claim 15, the limitations of claim 15 are rejected as the same reason set forth above in claim 8.

Regarding claim 16, the limitations of claim 16 are rejected as the same reason set forth above in claim 11.

Regarding claim 17, the limitations of claim 17 are rejected as the same reason set forth above in claim 12.

Regarding claim 18, the limitations of claim 18 are rejected as the same reason set forth above in claim 13.

Response to Arguments

5. Applicant's arguments filed 4/19/2006 have been fully considered but they are not persuasive.

In response to the applicant's argument regarding claims 1, 4, 5, 11 & 16, that Adkins fails to teach "a mobile station modem which checks whether the handset has been set to headset mode" (Pages 8-9), the examiner disagrees. It is the examiner's opinion that Adkins obviously teaches a mobile station modem that checks the mode of the handset by having back-end functionality overlap. (Page 4 [0076]) Adkins discloses the example of servicing an incoming email when the user is in telephone or camera mode and updating the display to show that an email has arrived, a certain type of communication is in use, or a number of calls have been missed. (Page 4 [0076]) It is the examiner's opinion that without checking the current mode of the handset, the handset would not be able to correctly display the comprehensive updates of features and the current status of the handset to the user. (Page 4 [0076])

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew C. Sams whose telephone number is (571)272-8099. The examiner can normally be reached on M-F 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (571)272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MCS
6/26/2006


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SUPERVISORY PRIMARY EXAMINER